

In the Court of Appeals of the State of Alaska

Carlton William Donnelly,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13598**

Order

Motion to Extend Time to File Brief

Date of Order: **July 15, 2021**

Trial Court Case No. **3AN-14-08520CR**

Before: Allard, Chief Judge, and Wollenberg, Harbison, and Terrell, Judges

On June 28, 2021, the appellant, through his attorney, the Public Defender Agency, filed a Motion for Non-Routine Extension of Time to File Appellant's Opening Brief. The appellant has already received a full 390-day extension under Standing Order No. 12, and he now requests an additional 128-day extension.

Standing Order No. 12 was intended to be a stop-gap measure through which the Court would reduce the amount of briefing delay that was occurring in criminal appeals. The agencies were provided with significant lead time so that they could take measures to be in compliance with the standing order. Extensions to Standing Order No. 12 were intended to be reserved for truly "extraordinary and unforeseeable circumstances." Under the order, the press of ordinary business was not intended to qualify as an "extraordinary and unforeseeable circumstance."

The current request for a 128-day extension does not comply with the mandates of Standing Order No. 12. We are particularly concerned that, at the time of the extension request, the case had not been assigned to an individual attorney and the extension request was therefore, at best, only a guess as to when the opening brief would be filed.

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We recognize, however, that we have previously granted non-routine extension requests based on information similar to that provided by the present motion. In order to allow the Public Defender Agency time to further develop a plan to complete its briefs within the time allowed by Standing Order No. 12, we accordingly will extend the briefing deadline for this case (and for two others with pending motions for non-routine extensions) by 90 days. But we wish to be clear: the resource shortages at the Public Defender Agency are not “extraordinary and unforeseeable circumstances” justifying an extension of time beyond the limit of Standing Order No. 12.

Accordingly, **IT IS ORDERED:**

The motion is **DENIED IN PART**. The opening brief must be filed by **September 27, 2021**. No further extensions based solely on the ordinary press of business will be granted in this case.

Entered at the direction of the Court.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'Kaitlin D'Eimon', written over a horizontal line.

Kaitlin D'Eimon, Deputy Clerk

cc: Court of Appeals Judges

Distribution:

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